

REMARKS

Prior to entry of this Amendment and Response, claims 1-40 were pending in the application. Following entry, claims 2-42 will be pending.

Rejections Under 35 U.S.C. § 102(b)

The Examiner rejected claims 1-4, 9-11, 15,18, 19, 28, 29, and 32-40 under 35 U.S.C. § 102(b) as anticipated by United States Patent No. 4,852,551 to Opie ("Opie"). Although the Applicant respectfully traverses the Examiner's rejection, the Applicant has cancelled claim 1 in order to expedite allowance of the application.

Claims 2-40 and 42 now depend, either directly or indirectly, from independent claim 41. The Applicant respectfully submits claim 41 is not anticipated by Opie. Among other patentable distinctions, the Applicant respectfully submits Opie fails to disclose a "gas conveying tube" directly conducting an insufflation medium to a lumen of a disposable speculum, as required by claim 41. Instead, Opie discloses channels formed on a disposable sheath and "adapted to fit into a groove formed in the insertion tube of the endoscope" (col. 6, lines 10-14 and 36-41; Fig. 1). These channels do not convey any insufflation means to the lumen of the endoscope, but instead along the outside of the insertion tube. Accordingly, the Applicant respectfully submits independent claim 41 is patentable over Opie.

Additional patentable bases, beyond those immediately discussed herein, are also contained in claim 41. The Applicant respectfully submits the above statements without reference to these additional bases of patentability, insofar as they are unnecessary for distinction over the reference, and without waiving or surrendering such bases of patentability.

With respect to the rejection of claims 2-4, 9-11, 15,18, 19, 28, 29, and 32-40, these claims depend from patentably distinct independent claim 41. Accordingly, the dependent claims are also patentable. The Applicant makes this statement without reference to, or surrendering, the additional bases for patentability within each dependent claim. The Applicant

therefore respectfully requests the Examiner withdraw his rejection and allow claims 2-4, 9-11, 15,18, 19, 28, 29, and 32-40 over Opie.

Rejections Under 35 U.S.C. § 103

The Examiner rejected claims 12-14 under 35 U.S.C. § 103(a) as unpatentable over Opie in view of United States Patent No. 3,779,233 to Saslow et al. Claims 12-14 depend from patentably distinct independent claim 41, and are therefore patentable. The Applicant makes this statement without reference to, or surrendering, the additional bases for patentability within each dependent claim. The Applicant therefore respectfully requests the Examiner withdraw his rejection and allow claims 12-14.

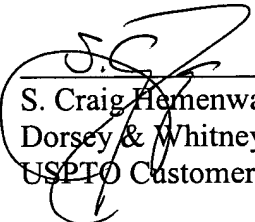
Conclusion

This Amendment and Response is filed contemporaneously with a petition for a three-month extension of time. Please charge Deposit Account No. 04-1415 accordingly. Should any additional filing fees associated with this amendment be required, please consider this a request therefor and charge Deposit Account No. 04-1415 as necessary.

The Applicant thanks the Examiner for his thorough review of the claims in this application. Further, the Applicant submits that the application is now in condition for allowance, and respectfully request that the application be passed to allowance. In the event the Examiner has questions or comments and a telephone conversation would expedite a resolution, the Applicant invites the Examiner to contact the undersigned attorney at (303) 629-3400.

Dated this 20th day of January, 2004.

Respectfully submitted:



S. Craig Hemenway, Reg. No. 44,759
Dorsey & Whitney LLP
USPTO Customer No. 20686

SCH/sd